IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 18581 of 2006
Date of decision:2-3-2007

Rakesh Kaushal .....Petitioner

Versus

The State of Haryana and others .....Respondents

CORAM:- HON'BLE MR. JUSTICE K.S.GAREWAL
HON'BLE MR. JUSTICE AJAI LAMBA

Present: Mr. R.D.Bawa, Advocate
for the petitioner

Mr. R.S.Kundu, Additional Advocate General Haryana

K.S.GAREWAL, J.

Rakesh Kaushal has filed this petition to challenge acquisition proceedings in Rewari.

Petitioner pleads that he had purchased 21 Kanals 1 Marla in Anandpur, Tehsil Bawal, District Rewari on February 3, 2006 for Rs.39.47 lacs through sale deed executed in his favour by owners of the land, Sriram, Rameshwar and Chotu Ram. On the basis of the sale deed mutation of the property was entered and sanctioned in petitioner's name on March 7, 2006. After the purchase, the petitioner was shocked to learn that the property had already been acquired vide notification dated September 2,2005. The stated

public purpose for acquiring the land was installation of toll tax plaza including installation of computerized weigh bridges with video cameras and wayside facilities.

The petitioner bought the property on February 3, 2006. At that stage the declaration under Section 6 had not been issued but the notification under Section 4 was in operation. Petitioner did receive notice under Section 9 from the Land Acquisition Collector. The notice has been annexed as Annexure P-8. The petitioner was required to appear before the Collector on September 25, 2006. The public purpose mentioned in Annexure P-8 was extension of Industrial Development Centre, Bawal.

In the written statement filed by the Collector it was submitted that the land had been acquired for installation of toll tax plaza etc. The notification dated September 2, 2005 had been duly issued and published in two daily newspapers, circulating in the locality. Later the declaration under Section 6 was published on April 18, 2006. No one, not even the petitioner, filed any objections. The award was pronounced on September 25, 2006. The present petition had been filed after the award was passed and was, therefore, not maintainable.

As regards the purpose of the acquisition being differently mentioned in the notifications under Section 4/6 and in the notice under Section 9, the Collector clarified that this was due to clerical mistake. The petitioner was a subsequent purchaser who purchased the property after the notification had been issued, therefore, he was bound by the acquisition and at best he could receive the compensation amount.

This is a case in which the petitioner indeed had no arguable points in his favour. He had purchased the property after the notification

had been issued for acquisition. Why he chose to do so is his own personal decision. Perhaps he bought the property as an investment or for speculation to take a chance for getting the acquisition proceedings quashed. The only real ground on which the petitioner has challenged the acquisition is that the purpose mentioned in the notification was construction of toll tax plaza while in the notice under Section 9 the purpose mentioned was extension of Industrial Development Centre. This contradiction could be either a bonafide clerical error or use of different words to mean the same thing. We are of the view that there is no real difference between the construction of a toll tax plaza and extension of the industrial development centre. Different terms have been used to mean the same thing.

We find no merit in this petition. Petition is hereby dismissed.

(K.S.GAREWAL)
JUDGE

(AJAI LAMBA)
JUDGE

March 2, 2007
RSK